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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gowri Kumari Pyapali

Serial No.: 09/988,728

Filing Date: TBD

Title: Methods and Apparatus for Detecting and Quantifying Lymphocytes with Optical Biodiscs

Commissioner for Patents
Washington, D.C. 20231RECEIVED
DEC 18 2001
TC 1700RECEIVED
OCT 25 2002

OFFICE OF PETITIONS

PETITION TO REQUEST NOVEMBER 16, 2001 FILING DATE

Applicant requests a November 16, 2001 filing date for the above-referenced application, which was deposited with Express Mail on that date, but returned due to a temporary suspension of delivery by the U.S. Postal Service.

The above-referenced application was personally deposited in an Express Mail box by the undersigned prior to the last scheduled pick-up on Friday, November 16, 2001. No notice was observed on the mailbox indicating that deliveries were not going to be made to certain locations. A Verification of Mailing signed within one business day after mailing is attached as Exhibit A.

On Monday, November 19, 2001, the envelope was returned to counsel with a notice from the U.S. Postal Service, indicating that Express Mail was not being accepted for zip codes beginning with 202. The notice is dated November 16, 2001. A copy of the envelope and USPS notice with the November 16, 2001 date is attached as Exhibit B, with the Express Mail number matching the number shown in Exhibit A.

The envelope (unopened) was sent by overnight mail to the legal representative's Washington office for hand delivery on Tuesday, November 20, 2001. That hand delivery included a letter requesting a November 16, 2001 filing date. The letter was attached to the unopened package. A copy of that letter is attached as Exhibit C.

This situation was deemed by the PTO to constitute an interruption or emergency in the USPS as of November 16, 2001 in a notice dated November 20, 2001. As indicated above, Applicants filed the application promptly after receiving notice of non-delivery from the USPS. Accordingly, it is requested that this application be considered filed on November 16, 2001.

Applicants request that this matter be considered under any appropriate section, including 37 C.F.R. § 6(e) or 37 C.F.R. § 1.181, or if necessary under 37 C.F.R. § 1.183 for a suspension of the rules.

It is believed that this matter should not require a petition fee. If any fee is required, please charge it to our Deposit Account No. 08-0219.

If the petitions official has any questions relating to this matter or needs any further information, he/she is urged to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,



Michael A. Diener
Attorney for Applicant

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Docket No. 111.465.132 (PROV 104/118/216)

December 13, 2001

VERIFICATION OF MAILING BY EXPRESS MAIL

Michael Diener
I, ~~Shirley Haley~~, state that I have mailed the documents identified in the attached Transmittal Letter to the U.S. Patent and Trademark Office, Commissioner for Patents, Box Provisional Patent Application, by depositing them with the United States Postal Service at 60 State St., Boston, MA 02190 UNDER EXPRESS MAIL LABEL NO. EL538702903US
November 16, 2001. I have made this verification after depositing the correspondence, but within one business day after depositing the correspondence.

Michael Diener
Signature

Nov. 18, 2001
Date of Signature

9:00 pm
Time of Signature

O I P E J C
DEC 14 2001
PATENT & TRADEMARK OFFICE

1743

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0034
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

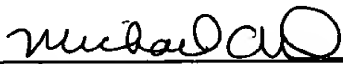
Application Number	09/988,728
Filing Date	TBD
First Named Inventor	Gowri Kumari Pyapali
Group Art Unit	TBA
Examiner Name	TBA
Attorney Docket Number	111465.132 (PROV 104/118/216)

Total Number of Pages in This Submission 5

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Postcard
Remarks Petition to Request November 16, 2001 Filing Date Exhibits A, B, and C		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT OFFICE OF PETITIONS

Firm or Individual name	Michael A. Diener, Reg. No. 37,122
Signature	
Date	December 13, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 12/13/01			
Typed or printed name		Sharon R. Matthews	
Signature		Date	12/13/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.